

PERSONNEL

MERIT SYSTEM BOARD

General Rules and Department Organization

Selection and Appointment

Equal Employment Opportunity and Affirmative Action

Domestic Partnerships

Adopted Amendments: N.J.A.C. 4A:1-1.3, 4A:4-2.11, and 4A:7-1.1 and 3.1

Proposed: October 18, 2004 at 36 N.J.R. 4566(a)

Adopted: January 12, 2005 by the Merit System Board, Rolando Torres, Jr., Acting Commissioner,
Department of Personnel.

Filed: January 18, 2005 d. , without change.

Authority: N.J.S.A. 10:5-1 et seq., 11A:2-6(d), and 11A:4-1 et seq., and P.L. 2003, c.246.

Effective Date: February 22, 2005.

Expiration Date: N.J.A.C. 4A:1: February 13, 2008.

N.J.A.C. 4A:4: September 10, 2008.

N.J.A.C. 4A:7: February 13, 2008.

Summary of Hearing Officer Recommendations and Agency Responses:

A public hearing on the proposed amendments was held on November 18, 2004 in Trenton, New Jersey. Elizabeth Rosenthal served as hearing officer. No comments were received on the proposed amendments at that time, and no recommendations were made by the hearing officer. No written comments were received. The record of the public hearing may be reviewed by contacting Henry Maurer, Director, Division of Merit System Practices and Labor Relations, Department of Personnel, P.O. Box 312, Trenton, New Jersey 08625-0312.

Federal Standards Statement

A Federal standards analysis is not necessary for the adopted amendments as they are solely governed by the State law establishing a new category of legally sanctioned relationships, the domestic partnership.

Full text of the adopted amendments may be found in the New Jersey Administrative Code at N.J.A.C. 4A:1-1.3, 4A:4-2.11, and 4A:7-1.1 and 3.1.

4A:1-1.3 Definitions

The following words and terms, when used in these rules, shall have the following meanings unless the context clearly indicates otherwise:

...

"Immediate family" means an employee's spouse, domestic partner (see section 4 of P.L. 2003, c. 246), child, legal ward, grandchild, foster child, father, mother, legal guardian, grandfather, grandmother, brother, sister, father-in-law, mother-in-law, and other relatives residing in the employee's household.

...

4A:4-2.11 Residence standards

(a) (No change.)

(b) Where residence requirements have been established, residence means a single legal residence. The following standards shall be used in determining legal residence:

1. – 2. (No change.)

3. Whether the relationship among those persons living in the claimed residence is closer than those with whom the individual lives elsewhere. If an individual claims a parent's residence because of separation from his or her spouse or domestic partner (see section 4 of P.L. 2003, c. 246), a court order or other evidence of separation may be requested;

4. – 6. (No change.)

(c) –(f) (No change.)

SUBCHAPTER 1. EQUAL EMPLOYMENT OPPORTUNITY

4A:7-1.1 General provisions

(a) There shall be equal employment opportunity for all persons in, or applicants for, the career, unclassified and senior executive services, regardless of race, creed, color, national origin, ancestry, sex, affectional or sexual orientation, age, marital status, domestic partnership status, familial status, religion, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability, except where a particular qualification is specifically permitted and is essential to successful job performance. See N.J.A.C. 4A:4-4.5 on bona fide occupational qualifications.

(b) – (g) (No change.)

4A:7-3.1 Policy prohibiting discrimination, harassment or hostile environments in the workplace

(a) The State of New Jersey is committed to providing every State employee with a workplace free from unlawful discrimination. All forms of unlawful employment discrimination based upon race, creed, color, national origin, ancestry, age, sex, marital status, domestic partnership status, familial status, religion, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information, liability for service in the Armed Forces of the United States, or disability are prohibited and will not be tolerated. Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.

1. – 3. (No change.)

(b) Racial, gender, national origin or ancestry, age, religious, disability, affectional or sexual orientation, marital status, familial status, domestic partnership status, atypical hereditary cellular or

blood trait, genetic information, liability for service in the Armed Forces of the United States discrimination or harassment is prohibited.

1. It is a violation of this policy to engage in any employment practice or procedure which treats an employee less favorably based upon a person's race, gender, national origin or ancestry, religion, age, disability, affectional or sexual orientation, marital status, domestic partnership status, familial status, atypical hereditary cellular or blood trait, genetic information, or liability for service in the Armed Forces of the United States.

2. (No change.)

3. Examples of behaviors that may constitute prohibited workplace discrimination or harassment include, but are not limited to:

i. – ii. (No change.)

iii. Treating an individual differently because of marriage to, domestic partnership with, or association with persons of a racial, religious or national origin group; or due to membership in or association with an organization identified with the interests of a racial, religious or national origin group; or because an individual's name, domestic partner's name, or spouse's name is associated with a racial, religious or national origin group;

iv. – vii. (No change.)

(c) – (k) (No change.)